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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,990	04/20/2005	Kenji Suzuki	270573US0PCT	6522
22850	7590	08/23/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BERMAN, SUSAN W	
			ART UNIT 1711	PAPER NUMBER
			NOTIFICATION DATE 08/23/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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**Office Action Summary**

Application No.

10/531,990

Applicant(s)

SUZUKI ET AL.

Examiner

/Susan W. Berman/

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/05, 6/05, 4/07</u> .  | 6) <input type="checkbox"/> Other: ____                           |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear whether applicant intends to claim: (1) a “composition” as set forth in line 1 of each claim or (2) a crosslinked molded article as recited in the last three lines of claim 1 or (3) a method comprising molding the composition into a desired shape and exposing the shaped composition to an active energy ray to crosslink the composition. Claims 2 and 4 suggest a composition. Claim 3 suggests a method. Claims 5-6 recite cured products. It is not clear whether applicant intends to claim a polyolefin or some other resin based on a polyolefin as component (II).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication No. 11-06835, as disclosed in the machine translation obtained from the PAJ website). J ‘835 discloses a propylene resin composition comprising a block copolymer having a vinyl aromatic block and a hydrogenated conjugated diene block. Alkylstyrene monomers,

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including styrene, alpha-methylstyrene and p-methylstyrene, and conjugated diene monomers, including butadiene and isoprene, are taught in paragraph [0017]. Claims 1 and 3 are considered to be anticipated because the claims are drawn to a composition. The prior art compositions comprising the block copolymers obtained from the blocks corresponding to the instantly claimed blocks derived from methylstyrene monomers would be expected to be crosslinkable upon exposure to active energy ray. The phrase "after molded...crosslinking reaction" is merely a statement of future intended use and not of patentable weight. With respect to claim 5, J '835 teaches a molded article obtained by extrusion from a circular die and discusses excellent moldability, including film forming, in paragraphs [0021] and [0036].

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication No. 11-130921, as disclosed in the machine translation obtained from the PAJ website). JP '921 discloses a composition comprising a vinylaromatic/conjugated diene block copolymer and an ethylene/4C or higher  $\alpha$ -olefin copolymer. Films or sheets can be made and laminates can be fabricated [0024].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Publication No. 11-06835 in view of EP 0 224 389. The disclosure of J '835 is discussed above. J '835 does not mention adding a photoinitiator to the disclosed compositions.

EP '389 discloses styrene-diene block copolymer compositions comprising a hydrocarbon oil that are radiation crosslinked. Radiation crosslinking with electron beam or with UV radiation in the presence of a photoinitiator are both taught. The hydrocarbon oils such as polybutene or polypropene polyolefins are taught on page 3, lines 5-12 and 29-30. Specific styrene-diene block copolymers are taught on page 3, lines 24-28. Photoinitiators and crosslinking agents are taught on page 3, lines 36-39. The difference is that EP '389 does not mention alkylstyrene block copolymers.

It would have been obvious to one skilled in the art at the time of the invention to add a photoinitiator to the compositions disclosed by J '835, as suggested by EP '389 in analogous art. J '835 and EP '389 disclose analogous compositions comprising block copolymers of styrene and conjugated dienes. J '835 teaches crosslinking the composition by heating in the presence of a peroxide. EP '389 teaches UV crosslinking of the unsaturated rubber composition in the presence of photoinitiators. One skilled in the art at the time of the invention would have been motivated by a reasonable expectation of successfully crosslinking the compositions disclosed by JP '835 in the presence of a photoinitiator, as taught by EP '389 in analogous compositions.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Publication No. 11-130921 in view of EP 0 224 389. The disclosure of J '921 is discussed above. J '921 does not mention adding a photoinitiator to the disclosed compositions.

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EP '389 discloses styrene-diene block copolymer compositions comprising a hydrocarbon oil that are radiation crosslinked. Radiation crosslinking with electron beam or with UV radiation in the presence of a photoinitiator are both taught. The hydrocarbon oils such as polybutene or polypropene polyolefins are taught on page 3, lines 5-12 and 29-30. Specific styrene-diene block copolymers are taught on page 3, lines 24-28. Photoinitiators are taught on page 3, lines 36-39. The difference is that EP '389 does not mention alkylstyrene block copolymers.

It would have been obvious to one skilled in the art at the time of the invention to add a photoinitiator to the compositions disclosed by J '921, as suggested by EP '389 in analogous art. J '921 and EP '389 disclose analogous compositions comprising block copolymers of styrene and conjugated dienes. J '921 teaches crosslinking the composition by heating in the presence of a peroxide. EP '389 teaches UV crosslinking of the unsaturated rubber composition in the presence of photoinitiators. One skilled in the art at the time of the invention would have been motivated by a reasonable expectation of successfully crosslinking the compositions disclosed by JP '921 in the presence of a photoinitiator, as taught by EP '389 in analogous compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Susan W. Berman/ whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB  
8/17/2007

/Susan W Berman/  
Primary Examiner  
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